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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 JONATHAN WATERS,

11 Plaintiff,

12 v.

13 CHRISTOPHER MITCHELL, et al.,

14 Defendants.

CASE NO. C21-0087JLR

ORDER

15 Before the court is Plaintiff Jonathan Waters’s motion for an extension of time to
16 serve Defendants Christopher Mitchell and Jane Doe Mitchell (collectively,
17 “Defendants”) with a summons and a copy of the amended complaint. (Mot. (Dkt. # 17);
18 *see also* Am. Compl. (Dkt. # 12).) The court previously denied Mr. Waters’s motion for
19 a default judgment on his original complaint because it found various deficiencies in that
20 pleading. (*See* 4/28/22 Order (Dkt. # 11) at 17-18; *see also* Compl. (Dkt. # 1).) The
21 court, however, permitted him to submit an amended complaint by May 19, 2022 and,
22 “after proper service of the amended complaint,” to renew his motion for entry of default,

1 if Defendants were in default at that time. (*See* 4/28/22 Order at 17-18.) Mr. Waters
2 timely filed an amended complaint on May 17, 2022. (*See* Am. Compl.) He now asks
3 the court to allow him until October 14, 2022 to complete service on Defendants. (*See*
4 Mot. at 1.)

5 Rule 4(m) allows the court to grant a plaintiff additional time to complete service
6 where good cause exists to do so. *See* Fed. R. Civ. P. 4(m). Mr. Waters argues that good
7 cause exists for his requested extension because he has, to date, “performed a diligent
8 investigation” to determine the likely current address for Mr. Mitchell; “made three (3)
9 unsuccessful process service attempts” at that address; and also tried unsuccessfully to
10 reach Mr. Mitchell by telephone. (*See* Luhrs Decl. (Dkt. # 18) ¶¶ 1-3.) Mr. Waters’s
11 counsel further avers that Ms. Mitchell (a Jane Doe Defendant) is believed to be married
12 to and/or cohabitating with Mr. Mitchell, such that Ms. Mitchell can likely be served at
13 the same location. (*See id.* ¶ 4.) Mr. Waters believes these efforts have been stymied,
14 however, because Mr. Mitchell is currently fishing in Bristol Bay, Alaska where, owing
15 to the remote nature of those fishing grounds, he is “not amenable to service.” (*See id.*
16 ¶ 5.) That will likely continue to be the case “until the end of the current fishing season
17 sometime in August or September 202[2].” (*See id.* ¶ 5.)

18 Accordingly, for good cause shown, the court GRANTS Mr. Waters’s motion
19 (Dkt. # 17) and EXTENDS his deadline for serving his amended complaint on
20 Defendants to October 14, 2022.

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1 Filed this 21st day of June, 2022.

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4 JAMES L. ROBART
5 United States District Judge
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